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OFFICE OF PETITIONS

In re Application of :
Laughlin G. McCullough, et al. :
Application No. 10/647,600 :
Filed: August 25, 2003 :
Attorney Docket No. 2002U014.US :
:

ON PETITION

This is a decision in response to a petition under 37 CFR 1.313(c)(1) to withdraw the above-identified application from issue after payment of the issue fee, filed September 1, 2004¹.

The petition is not signed by an attorney of record. However, the petition is being accepted in accordance with 37 CFR 1.34(a). A courtesy copy of this decision is being mailed to the petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue due to unpatentability of one or more claims. See 37 CFR 1.313(c)(1).

Petitioner is advised that the issue fee paid on July 23, 2004, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.²

¹ The petition filed September 1, 2004 is unsigned. A ratification of the unsigned petition was filed by facsimile transmission on September 2, 2004.

²The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: " Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

Telephone inquiries should be directed to the undersigned at (703) 305-9220.

The application is being forwarded to Technology Center 1713 for consideration of the amendment filed September 1, 2004.



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